

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ENDO USA, INC. and ENDO OPERATIONS
LIMITED,

Plaintiffs,

v.

BAXTER HEALTHCARE
CORPORATION,

Defendant.

Civil Action No. 23-358-GBW-SRF

MEMORANDUM ORDER

In this patent infringement action between Endo USA, Inc. and Endo Operations Limited (“Endo”) and Defendant Baxter Healthcare Corporation (“Baxter”), Magistrate Judge Fallon held a *Markman* hearing and subsequently issued a Report and Recommendation (“Report and Recommendation”) (D.I. 115) recommending that this Court adopt the constructions of two agreed-upon terms and two disputed terms in United States Patent Nos. 9,993,520 (“the ’520 patent”), 11,135,265 (“the ’265 patent”), and 11,207,372 (“the ’372 patent”) (collectively, “the Asserted Patents”).¹

In reviewing a Magistrate Judge’s report and recommendation, this Court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This Court may

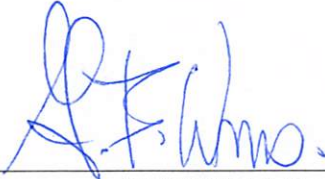
¹ The original plaintiffs in this action were Par Pharmaceutical, Inc., Par Sterile Products, LLC, and Endo Par Innovation Company, LLC (“Original Plaintiffs”). D.I. 1. In light of an assignment of the Asserted Patents, however, and upon agreement of the parties, the Court ordered that the Original Plaintiffs would “no longer be plaintiffs in this action” and that the rights and obligations of the Original Plaintiffs would be imputed to Endo. D.I. 110; *see* D.I. 103. The Court amended the caption of the action accordingly. D.I. 110.

“accept, reject, or modify, in whole or in part” the Magistrate Judge’s findings or recommendations. *Id.* As to those portions to which no objections have been made, this Court must “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) Advisory Committee Notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining the district court’s responsibility “to afford some level of review” when no objections have been made).

In this instance, neither Endo nor Baxter objected to the Report and Recommendation. This Court has carefully reviewed the Report and Recommendation and agrees with Magistrate Judge Fallon’s determinations of fact and law in the Report and Recommendation. This Court finds that those determinations are not clearly erroneous. Accordingly, the Court adopts the Report and Recommendation (D.I. 115) in its entirety.

* * *

WHEREFORE, at Wilmington this 14th day of November 2024, **IT IS HEREBY ORDERED** that the findings and recommendations contained in the Report and Recommendation are **ADOPTED**.



GREGORY B. WILLIAMS
UNITED STATES DISTRICT JUDGE